



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: :
Rodin Enne Bruinsma : Group Art Unit: 1761
Serial No.: 10/665,196 : Examiner: Not yet assigned
Filing Date: September 18, 2003 : Attorney Docket: NL020923
For: APPARATUS FOR PREPARING : Date: January 10, 2005
COFFEE :
..... :

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

This is a request under the provisions of 37 CFR 1.102 to make this application special because of actual infringement. The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. 50-2061.

STATEMENT:

As a basis for the granting the above petition, the undersigned attorney alleges on information and belief that:

1) Salton, Inc. markets and distributes a pod filter system coffee preparation product under the registered trademark MELITTA, and model name ONE:ONE (hereinafter the MELITTA apparatus).

2) A rigid comparison of the MELITTA apparatus has been made with the claims of the application, as currently amended in a preliminary amendment filed herewith, and that it is my opinion that one or more claims are unquestionably infringed.

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- 3) I have made and caused to be made a careful and thorough search of the prior art.

Two information disclosure statements are filed herewith: one for the petition and a supplemental information disclosure statement. The information disclosure statement for the petition discloses references that were found in the aforementioned prior art search or otherwise obtained, which are believed to be most closely related to the subject matter of the claims. The supplemental information disclosure statement discloses references that were found in the aforementioned prior art search or otherwise obtained, which are believed to be less closely related to the subject matter of the claims.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



PAUL A. SCHWARZ
Registration No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, New Jersey 08543
(609) 631-2446 - telephone
(609) 631-2401 - facsimile



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PRELIMINARY AMENDMENT

Dear Sir:

Prior to examination of the above-captioned application, please amend the same as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 16 of this paper.

Listing of Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

1. (CURRENTLY AMENDED) An apparatus for preparing coffee, comprising

- a holder (4) provided with an access opening (24) for placing a product to be extracted into said holder (4);
- a cover (34) for closing and releasing the access opening (24);
- clamping means (70) for pressing the ~~holder (4) and~~ cover (34) towards ~~each other~~ the holder (4) when the cover (34) closes off the access opening (24) of the holder (4); and
- closing means (80) for retaining the cover (34) and the clamping means (70) in position when the cover (34) closes off the access opening (24) of the holder (4), ~~characterized in that the~~ closing means (80) are being mechanically coupled to the clamping means (70) for bringing the clamping means (70) from a non-clamping condition into a clamping condition by manually operating the closing means (80) from a first defined position to a second defined position.

2. (ORIGINAL) An apparatus according to claim 1, wherein the clamping means (70) comprise at least one recess (72) and at least one mating cam (74), which can be brought into and out of engagement with each other by operating the closing means (80) between the first and the second position.

3. (CURRENTLY AMENDED) An apparatus according to claim 2, wherein the ~~or each~~ cam and the mating recess (72) are located and dimensioned in such way that the cam can only engage the recess (72) when the cover (34) closes off the holder (4) properly.

4. (CURRENTLY AMENDED) An apparatus according to claim 2, wherein the ~~or each~~ cam and the recess (72) are wedge-shaped, so that a clamping force can be gradually built up.

5. (PREVIOUSLY PRESENTED) An apparatus according to claim 1, wherein the clamping means (70) comprise a series of recesses (72) and a series of mating cams (74), wherein one of these series is statically mounted in a first housing part (2) to which the holder (4) is connected, and the other series is movably mounted in a second housing part (44) to which the cover (34) is connected.

6. (CURRENTLY AMENDED) An apparatus according to claim 5, wherein the ~~clamping means (70)~~ the series of recesses (72) and the series of mating cams (74) are evenly spaced along the periphery of the access opening (24) of the holder (4), at least in the clamped condition.

7. (CURRENTLY AMENDED) An apparatus according to claim 5, wherein the ~~clamping means (70)~~ the series of recesses (72) and the series of mating cams (74) are arranged in a triangle around the access opening (24) of the holder (4), wherein a base of the triangle faces a front side of the apparatus via which the holder (4) is accessible when the apparatus is opened.

8. (PREVIOUSLY PRESENTED) An apparatus according to claim 5, wherein the series of movably mounted clamping means (70) is mounted on a slider (75), which slider is movably connected to the second housing part (44) and mechanically coupled to the closing means (80).

9. (ORIGINAL) An apparatus according to claim 8, wherein the slider is translatably mounted in the second housing part (44).

10. (PREVIOUSLY PRESENTED) An apparatus according to claim 8, wherein the slider (75) is rotatably mounted in the second housing part (44).

11. (PREVIOUSLY PRESENTED) An apparatus according to claim 8, wherein the cover (34) is connected to the slider (75), and operated together with said slider (75) and clamping means (70) by the closing means (80).

12. (PREVIOUSLY PRESENTED) An apparatus according to claim 8, wherein the closing means (80) comprise a toggle joint lever assembly (85), including an angular shaped lever (82A) and a push rod (84), the lever being connected to the second housing part (44), for rotation around a first rotation axis, the lever furthermore being connected near one end to the push rod, for rotation around a second rotation axis, the push rod (84) being with its other end connected to the slider (75), for rotation around a third rotation axis, such that by operating the free end of the lever (82A) between a first position and a second position, the slider (75) is displaced between a first position wherein the clamping means (70) are not engaged and a second position wherein the clamping means (70) are engaged.

13. (ORIGINAL) An apparatus according to claim 12, wherein the closing means (80) comprise a spring (86), which returns the lever to one of its two positions.

14. (ORIGINAL) An apparatus according to claim 13, wherein the spring (86) extends between the second housing part (44) and the slider (75) or push rod (84), near the third rotation axis, for forming an overcenter snap link.

15.(NEW) An apparatus for preparing coffee, the apparatus comprising:

a first housing part mounting a holder, the holder for placing a product to be used in preparing the coffee;

a liftable second housing part mounting a cover, the cover for closing the holder and including an opening for delivering water into the holder when the cover is closing the holder; and

a clamping arrangement for pressing the cover against the holder, the clamping arrangement including:

a slider mounted to the second housing part and slidably moveable between a non-clamping position and a clamping position;

a first cam provided on one of the slider and the first housing part; and

a first cam receiving recess provided on the other one of the slider and the first housing part not having the first cam for receiving the first cam when the slider is moved to the clamping position.

16.(NEW) The apparatus according to claim 15, further comprising:

second and third cams provided on the one of the slider and the first housing part having the first cam; and

second and third cam receiving recesses provided on the other one of the slider and the first housing part having the first cam receiving recess.

17. (NEW) The apparatus according to claim 16, wherein the first, second and third cams each comprises a wedge shape.

18. (NEW) The apparatus according to claim 16, wherein the cams are spaced in a triangular relationship and the cam receiving recesses are spaced in a corresponding triangular relationship.

19. (NEW) The apparatus according to claim 16, wherein the cams are provided on the slider and the cam recesses are provided on the first housing part.

20. (NEW) The apparatus according to claim 16, wherein the cams are provided on the first housing part and the cam recesses are provided on the slider.

21. (NEW) The apparatus according to claim 15, wherein the first cam is provided on the slider and the first cam recess is provided on the first housing part.

22. (NEW) The apparatus according to claim 15, wherein the first cam is provided on the first housing part and the first cam recess is provided on the slider.

23. (NEW) The apparatus according to claim 15, further comprising a closing arrangement for operating the clamping arrangement between the non-clamping position and a clamping position.

24. (NEW) The apparatus according to claim 15, wherein the first cam comprises a wedge shape.

25. (NEW) The apparatus according to claim 23, wherein the closing arrangement comprises a toggle joint assembly.

26. (NEW) The apparatus according to claim 25, wherein the toggle joint assembly includes a lever connected to the second housing part and a push rod connecting the lever to the slider.

27. (NEW) The apparatus according to claim 26, wherein the push rod includes a slot.

28. (NEW) The apparatus according to claim 26, wherein the closing arrangement further comprises a spring having one end connected to one of the slider and the rod, and a second end connected to the second housing part.

29. (NEW) An apparatus for preparing coffee, the apparatus comprising:

a holder for placing a product to be used in preparing the coffee;

a liftable cover for closing the holder, the cover including an opening for delivering water into the holder when the cover is closing the holder; and

a clamping arrangement for pressing the cover against the holder, the clamping arrangement including a slider mounted over the cover and slidably moveable between a non-clamping position and a clamping position.

30. (NEW) The apparatus according to claim 29, further comprising a housing part mounting the holder.

31. (NEW) The apparatus according to claim 30, wherein the clamping arrangement further comprises:

a first cam provided on one of the slider and the housing part; and

a first cam receiving recess provided on the other one of the slider and the housing part not having the first cam.

32. (NEW) The apparatus according to claim 31, wherein the first cam comprises a wedge shape.

33. (NEW) The apparatus according to claim 31, further comprising:

second and third cams provided on the one of the slider and the housing part having the first cam; and

second and third cam receiving recesses provided on the other one of the slider and the housing part having the first cam receiving recess.

34. (NEW) The apparatus according to claim 33, wherein the first, second and third cams each comprises a wedge shape.

35. (NEW) The apparatus according to claim 33, wherein the cams are spaced in a triangular relationship and the cam receiving recesses are spaced in a corresponding triangular relationship.

36. (NEW) The apparatus according to claim 33, wherein the cams are provided on the slider and the cam recesses are provided on the housing part.

37. (NEW) The apparatus according to claim 33, wherein the cams are provided on the housing part and the cam recesses are provided on the slider.

38. (NEW) The apparatus according to claim 31, wherein the first cam is provided on the slider and the first cam recess is provided on the housing part.

39. (NEW) The apparatus according to claim 31, wherein the first cam is provided on the housing part and the first cam recess is provided on the slider.

40. (NEW) The apparatus according to claim 29, further comprising a closing arrangement for operating the clamping arrangement between the non-clamping position and a clamping position.

41. (NEW) The apparatus according to claim 40, wherein the closing arrangement comprises a toggle joint assembly.

42. (NEW) The apparatus according to claim 41, wherein the toggle joint assembly includes a lever and a push rod connecting the lever to the slider.

43. (NEW) The apparatus according to claim 41, wherein the push rod includes a slot.

44. (NEW) The apparatus according to claim 42, wherein the closing arrangement further comprises a spring having one end connected to one of the slider and the rod.

45. (NEW) A liftable housing part for a coffee preparation apparatus, the housing part comprising:

a cover for closing a coffee preparation product holder, the cover including an opening for delivering water into the holder when the cover is closing the holder; and

a clamping arrangement for pressing the cover against the holder, the clamping arrangement including a slider mounted over the cover and slidably moveable between a non-clamping position and a clamping position.

46. (NEW) The liftable housing part according to claim 45, wherein the clamping arrangement further comprises:

a first cam provided on one of the slider and a housing part of the coffee preparation apparatus; and

a first cam receiving recess provided on the other one of the slider and the housing part of the coffee preparation apparatus not having the first cam.

47. (NEW) The liftable housing part according to claim 46, wherein the first cam comprises a wedge shape.

48. (NEW) The liftable housing part according to claim 46, further comprising:

second and third cams provided on the one of the slider and the housing part of the coffee preparation apparatus having the first cam; and

second and third cam receiving recesses provided on the other one of the slider and the housing part of the coffee preparation apparatus having the first cam receiving recess.

49. (NEW) The liftable housing part according to claim 48, wherein the first, second and third cams each comprises a wedge shape.

50. (NEW) The liftable housing part according to claim 48, wherein the cams are spaced in a triangular relationship and the cam receiving recesses are spaced in a corresponding triangular relationship.

51. (NEW) The liftable housing part according to claim 48, wherein the cams are provided on the slider and the cam recesses are provided on the housing part of the coffee preparation apparatus.

52. (NEW) The liftable housing part according to claim 48, wherein the cams are provided on the housing part of the coffee preparation apparatus and the cam recesses are provided on the slider.

53. (NEW) The liftable housing part according to claim 46, wherein the first cam is provided on the slider and the first cam recess is provided on the housing part of the coffee preparation apparatus.

54. (NEW) The liftable housing part according to claim 46, wherein the first cam is provided on the housing part of the coffee preparation apparatus and the first cam recess is provided on the slider.

55. (NEW) The liftable housing part according to claim 45, further comprising a closing arrangement for operating the clamping arrangement between the non-clamping position and a clamping position.

56. (NEW) The liftable housing part according to claim 55, wherein the closing arrangement comprises a toggle joint assembly.

57. (NEW) The liftable housing part according to claim 56, wherein the toggle joint assembly includes a lever and a push rod connecting the lever to the slider.

58. (NEW) The liftable housing part according to claim 57, wherein the push rod includes a slot.

59. (NEW) The liftable housing part according to claim 57, wherein the closing arrangement further comprises a spring having one end connected to one of the slider and the rod and a second end connected to the liftable housing part.

60. (NEW) An apparatus for ensuring a liquid seal between a liftable cover of a coffee preparation device and a holder of the coffee preparation device that holds a product for preparing coffee, the apparatus comprising a clamping arrangement for pressing the cover against the holder to effect the liquid seal, the clamping arrangement including a slider mounted over the cover and slidably moveable between a non-clamping position and a clamping position.

61. (NEW) The apparatus according to claim 60, wherein the clamping arrangement further comprises:

a first cam provided on one of the slider and a housing part of the coffee preparation device; and

a first cam receiving recess provided on the other one of the slider and the housing part of the coffee preparation device not having the first cam.

62. (NEW) The apparatus according to claim 61, wherein the first cam comprises a wedge shape.

63. (NEW) The apparatus according to claim 61, further comprising:

second and third cams provided on the one of the slider and the housing part of the coffee preparation device having the first cam; and

second and third cam receiving recesses provided on the other one of the slider and the housing part of the coffee preparation device having the first cam receiving recess.

64. (NEW) The apparatus according to claim 63, wherein the first, second and third cams each comprises a wedge shape.

65. (NEW) The apparatus according to claim 63, wherein the cams are spaced in a triangular relationship and the cam receiving recesses are spaced in a corresponding triangular relationship.

66. (NEW) The apparatus according to claim 63, wherein the cams are provided on the slider and the cam recesses are provided on the housing part of the coffee preparation device.

67. (NEW) The apparatus according to claim 63, wherein the cams are provided on the housing part of the coffee preparation device and the cam recesses are provided on the slider.

68. (NEW) The apparatus according to claim 61, wherein the first cam is provided on the slider and the first cam recess is provided on the housing part of the coffee preparation device.

69. (NEW) The apparatus according to claim 61, wherein the first cam is provided on the housing part of the coffee preparation device and the first cam recess is provided on the slider.

70. (NEW) The apparatus according to claim 60, further comprising a closing arrangement for operating the clamping arrangement between the non-clamping position and a clamping position.

71. (NEW) The apparatus according to claim 70, wherein the closing arrangement comprises a toggle joint assembly.

72. (NEW) The apparatus according to claim 71, wherein the toggle joint assembly includes a lever and a push rod connecting the lever to the slider.

73. (NEW) The apparatus according to claim 71, wherein the push rod includes a slot.

74. (NEW) The apparatus according to claim 72, wherein the closing arrangement further comprises a spring having one end connected to one of the slider and the rod and a second end connected to a liftable housing part of the coffee preparation device.

REMARKS

A Petition To Make Special and two information disclosure statements are included with this communication.

Claims 1-14 are pending. This communication amends claims 1, 3, 4, 6, and 7, and adds claims 15-74.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



PAUL A. SCHWARZ
Registration No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, New Jersey 08543
(609) 631-2446 - telephone
(609) 631-2401 - facsimile